

**Mashpee Planning Board
Minutes of Meeting
June 15, 2016 at 7:00 p.m.
Waquoit Meeting Room, Mashpee Town Hall
Approved 7/20/16**

Planning Board Members Present: Chairman Mary Waygan, Dennis Balzarini, David Kooharian, Joe Cummings, David Weeden, Robert (Rob) Hansen
Also: Tom Fudala-Town Planner, Charles Rowley-Consultant Engineer

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by Chairman Waygan, at 7:00 p.m. on Wednesday, June 15, 2016. The Pledge of Allegiance was recited. The Board shared a moment of silence for the lives lost in Orlando.

APPROVAL OF MINUTES—June 1, 2016

Mr. Fudala submitted recommended changes to the minutes.

MOTION: Mr. Balzarini made a motion to accept the minutes as amended by Tom Fudala. Mr. Cummings seconded the motion. 5 yes, 1 abstained

RELEASE OF PERFORMANCE GUARANTEE

Applicant: Conrad Geyser

Location: 29 Trinity Place, Assessors' Map 62, Parcel 68B

Request: Release of Road Covenant in exchange for cash performance guarantee

The Chair read for the record the request. Mr. Rowley submitted a June 14 letter regarding the proposed amount for the guarantee. The Chair read the letter. The amount of \$27,900 was suggested to cover the cost of the work needed.

MOTION: Mr. Kooharian made a motion to set the release at \$27,900 for Trinity Place. Mr. Balzarini seconded the motion. All voted unanimously.

The Release was signed by Planning Board members.

PUBLIC HEARING

7:10 Applicant: Bayswater Development, LLC

Location: Cross Road, New Seabury Section 5, Assessors' Map 116, parcel 74B

Request: Approval of 46 lot Definitive Subdivision Plan, The Cottages at New Seabury Phase III

The appointed time having arrived, Chairman Waygan read the public hearing notice for the record. John Falacci, Project Manager for Bayswater, was present to discuss the project, as well as Dave Crispin, Engineer from the BSC Group. Mr. Falacci explained that phase III of the Cottages of New Seabury, located at Great Oak Road, would be comprised of 38 single family homes in a cluster development. The development would be serviced with Town water and New

Seabury's wastewater facility. Mr. Crispin stated that the project design was in accordance with Mashpee regulations and requested two waivers as in previous phases, for no sidewalks or streetlights. The greatest challenge of the project involved the location of the water main which will be located behind a retaining wall. Mr. Balzarini expressed concern about the grade located at the entrance of Great Neck Road. Mr. Falacci responded that the area would be graded, increasing the sight visibility. Mr. Crispin added that the rotary would be relocated. Regarding storm drainage, an underground recharge system similar to Phase I would be installed. Buildings on the outside edge would have roof drywells and the inner circle will runoff to the main system. Mr. Balzarini inquired about the front lots accessing Great Oak Road and Mr. Rowley responded that the runoff would be collected at two catch basins at the intersection, as well as at the north side of the proposed road eliminating runoff from entering Great Oak Road.

Mr. Weeden expressed concern about the existence of possible archeology since the parcel was once owned by tribal member and farmer, Mary Young, during the 1800's. Mr. Weeden was in possession of maps highlighting land showing the area was part of an active native village and recommended archeology to be completed to ensure there would be no disturbance of significant resources. Mr. Falacci responded that Section 5 portion of development had been through Agreement for Judgement when an extensive archeological survey was completed in 2005. Mr. Fudala asked that the report be made available to Mr. Weeden and Mr. Falacci agreed to forward it. Mr. Falacci added that the work had been supervised by a tribal member. Chairman Waygan requested that Mr. Weeden review the report.

The Chair inquired about mailboxes, sidewalks and street lights. Mr. Falacci responded that the homes were clustered together very closely so each home would have a post light on the driveway that would turn on simultaneously by sensor. Additionally, there will be a walkway that will connect and intertwine with walking trails, providing access for residents.

The Chair inquired about signage and lights for the entrances and Mr. Falacci responded that there would be two landscape retaining walls and a street sign and landscape entrance. There would also be signage for the athletic building. Signs would be illuminated with low landscape lights.

Mr. Kooharian referenced a letter from a Mashpee resident who expressed concern about handicap accessibility at New Seabury and read for the record the letter. Mr. Falacci responded that Bayswater took handicap accessibility very seriously, adding that the sales cottage was constructed as handicap accessible and that he was CAP certified. Mr. Falacci was personally involved with the design of the eight model homes offering first floor living, ensuring that hallways and entrance doors would allow wheelchair access as well as large shower stalls for access. The grade has been raised and retaining walls used to limit the number of steps in and out of homes and garages. The house has also been lowered within the foundation to reduce the number of steps for a possible future ramp if needed. Bayswater Development takes accessibility seriously and recently assisted in a project to add a ramp at a home at no charge. Steve Cook designed the ramp for the local residents. Mr. Fudala inquired whether the homes met visitability standards and Mr. Falacci confirmed that it did. Mr. Fudala recommended that Mr. Falacci follow up with the concerned resident to share with him their efforts to create accessibility and Mr. Falacci agreed.

The appointed time having arrived, the Chair opened the 7:30 public hearing for Naukaboot Beer Company, LLC and read for the record the public hearing notice.

MOTION: Mr. Balzarini made a motion to continue the public hearing to 7:50 p.m. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Hansen inquired about a chain link fence surrounding the conservation restricted areas and inquired whether it would be relocated closer to the road. Mr. Falacci responded that it would not and reported that the restricted area had been held by Orenda, who had wanted it delineated. Land was being swapped, and it was noted that since the land was for wildlife, some of the chain link fence would be removed.

Mr. Rowley reported that he had been in regular contact with Mr. Crispin regarding the project, and Mr. Rowley's requests had been incorporated into the project. Regarding the retaining wall at the entrance, Mr. Rowley pointed out that it was not yet identified on the plan and recommended that a rendering be submitted to ensure proper site distance. Mr. Falacci will forward it to Mr. Rowley prior to construction. Mr. Fudala expressed concern about the plans in relation to the Water District and Mr. Falacci responded that they had been reviewed by Andy Marks regarding the catch basin and water line. Mr. Fudala suggested adding as a condition that, at the entrance of Great Oak Road, the project proponent provide a detail of the area to share with the operations manager and ensure he was happy with the separation of the catch basin and water line.

There was no public comment. Mr. Fudala reported that the Certificate of Action had been drafted. The Board considered the waiver request for no sidewalks and no street lighting, although walkways and lighting would be available. A letter was submitted regarding the waivers. The Chair read for the record the waiver request.

MOTION: Mr. Kooharian made a motion to approve the two waivers. Mr. Balzarini seconded the motion. All voted unanimously.

Mr. Weeden expressed his preference that the public hearing remain open until the archeological report was reviewed. Mr. Falacci indicated that it was subdivision control. The Chair inquired whether there were any controls in the subdivision regulations should something be discovered in the archeological report, to which Mr. Fudala responded there were no controls in the subdivision regulations. Mr. Rowley indicated that Chapter 38 in State law spoke to archeological studies. Mr. Rowley indicated that any remains found would stop the project while being assessed. The Chair expressed her preference to keep the public hearing open until Mr. Weeden reviewed the report. Mr. Balzarini pointed out that it was unfair to the applicant since the study had already been completed, adding that a tribal member was present for the study and recommended taking a vote. Mr. Fudala agreed that it would exceed the Board's authority within the Subdivision Control Law.

MOTION: Mr. Balzarini made a motion to close the public hearing. Mr. Kooharian seconded the motion. 3 yes, 2 no

The Chair proceeded to identify necessary conditions. First, prior to installation of either the stone or engineered wall, to be installed on the northerly side of Garden Drive at the intersection of Great Oak Road, the sketch plan is provided to the Planning Board for review and approval.

MOTION: Mr. Kooharian made a motion to accept the condition. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini amended the motion that the wall would be on both sides of Garden Drive. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini amended the motion that it would be prior to the plans being signed by the Planning Board. Mr. Kooharian seconded the motion. All voted unanimously.

Next, prior to the signature of any plans by the Planning Board, the engineered detail of the area between the water main and catch basin outlet is reviewed by the Water District and the Planning Board engineer to ensure adequate distance between the two.

MOTION: Mr. Balzarini made the motion to approve the condition. Mr. Kooharian seconded the motion. All voted unanimously.

Finally, the archeological report done on the area is forwarded to Planning Board member David Weeden.

MOTION: Mr. Balzarini made a motion that the archeological report done, be forwarded to David Weeden prior to signature of the plans. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to approve the Subdivision Plan for the Cottages at New Seabury Phase III, with the three conditions previously approved, and plans dated May 16, 2006 and revision June 10, 2016. Mr. Kooharian seconded the motion. 4 yes, 1 abstain

The plans were signed by the Chair.

A brief recess was taken by the Board. The Board reconvened

7:30 Applicant: Naukabout Beer Company, LLC

Location: 13 Lake Ave., Assessors' Map 27, parcel 46

Request: Approval of Special Permit application for a Microbrewery

The Chair read for the record the public hearing notice. Attorney Kevin Kirrane was present on behalf of the project proponent, Naukabout Beer Company. Other members present for the project included Zach Basinski, Peter Murner, Randy Hart and Steve Cook. Mr. Kirrane described the project as a microbrewery/pub brewery surrounded by Mashpee Open space in the former Flume Restaurant. Mr. Kirrane noted the usage of the site as the brewery would be less

intense than a restaurant use. The Company would be brewing on site while offering a tasting or tap room and patio, as well as purchasing of the brews. The project has been reviewed by Plan Review, Design Review, Conservation Commission and Historic District Commission, all of which has approved the project. The existing building and parking will be utilized, a small portion of the building will be removed due to its condition, and to allow for the expansion of the outside area. Landscape features such as fencing and railroad ties will be included in the additions to the outside area. Rain gardens have been included due the extension of the patio areas. Improvements to the building will be made, such as windows and siding. There were currently no plans to allow cooking in the building but a relationship was planned to add an independent food truck on site to offer food during tastings. There were 25 parking spaces, including handicap parking at the front of the building. The brewery would be open 8am-10pm with brewery hours until noon, and the tap room operating noon-10pm. The management office will be located on the second floor and open during normal business hours. There would potentially be small musical groups performing inside or outside during the open taproom hours. Based on previous review, the project proponent believed that the brewery was an acceptable use for the site with no detriments or adverse impacts.

Mr. Balzarini inquired about signage. Mr. Murner, Naukabout Project Manager, responded that there was an existing sign located at the intersection of Route 130 and Lake Avenue which they would utilize, along with a second site on Lake Avenue. The Chair inquired about the color of the building. Steve Cook of Cotuit Bay design responded that new roofing and cedar shingle siding would be added to the structure along with new doors and windows, featuring green trim. To the right where the brewery operation would be located, a glass garage door would allow access to equipment, as well as an overhead door in the back. Mr. Cook stated that the building was in rough shape. A small hallway would replace the portion being removed from the building. The retaining wall will be pushed back to allow more space for the patio.

Randy Hart, who provided the traffic report, stated that the site was assessed during the peak hours of 4-6pm during the week and 11pm-2pm on Saturday. It was anticipated that 21 trips would be generated during the evening peak and 26 trips on Saturday, and considered to be low volume for the proposed use of the location. A restaurant would generate more traffic. The Chair inquired whether the project met occupancy and Mr. Hart responded that it did. Mr. Hansen referenced the traffic and number of available spots, and inquired about plans for overflow parking should the brewery become more busy than anticipated. Mr. Kirrane responded that there were currently no plans for overflow because it was not anticipated, but it was possible that Town parking might be available. The Chair inquired whether there were abutting property owners but Mr. Kirrane responded that the surrounding land was Town owned. Mr. Kirrane confirmed that there was still room for additional parking at the site if needed.

Mr. Weeden stated that he was glad to see the site utilized and wished the project proponent best of luck. Mr. Weeden referenced beach parking issues and the need for the Town to address the locked gate at 7:30 pm and the potential for use of the site for overflow parking. Mr. Weeden inquired about potential tree removal. Mr. Murner responded that there was one tree to be removed in front of the garage door and the pruning of trees to improve the sight lines. Mr. Murner further stated that there would be some areas where plants would be taken back to improve the sight lines while maintaining the natural species. Mr. Weeden encouraged the use

of indigenous species whenever possible so as not to impact the sensitive surrounding area. Mr. Murner agreed that it was a beautiful site and their hope that customers would enjoy the natural beauty of the site. Mr. Fudala confirmed that the plan indicated that invasive species would be removed for more native species.

Mr. Fudala added that he and Mr. Rowley had submitted changes to the plans such as a reduction from 25 parking spaces to 23 parking spaces due to the 9 foot wide width requirement bylaw. Mr. Cummings expressed his concern regarding the parking and lighting. Mr. Kirrane stated that they opted to utilize the current parking, as it was a preexisting condition. Regarding lighting, there would be lighting on the building as well as existing in the lot. Mr. Basinski, special engineer, stated that they planned to maintain the existing light posts, using LEDs. Mr. Fudala inquired whether they would be shielded so the light didn't leave the property and Mr. Basinski confirmed that they would be shielded.

Chairman Waygan cautioned use of amplified music outdoors because it was a quiet area and was likely to carry over the water. Mr. Murner stated that it would be low amplification to prevent spillage. The Chair also referenced the off-site parking, and hoped that the parking on site would be sufficient as the Town parking may not have the capacity since the peak season for both would be shared. The Chair visited the Town parking and saw the majority of parking spaces taken at different times. Mr. Kirrane stated that usage of Town parking was not currently on the table, adding that parking governs the controls in and around the building.

The Chair inquired whether the applicant operated other brew houses, to which Mr. Murner responded that they did not. Mr. Murner further explained that they began with contract brewing and as the Naukabout Music Festival at Barnstable County Fairgrounds. Mr. Kooharian inquired whether homebrewing supplies would be sold and Mr. Murner stated that perhaps down the road they would consider it.

Mr. Rowley referenced his parking comments that included the reduction of two spaces to expand the width of the other parking spaces. Mr. Rowley stated that the aisle was still narrow and recommended a cutout with gravel to extend the aisle to allow for improved backing out. The Chair recommended further discussion with the Conservation Commission about the issue. Mr. Rowley referenced the rain gardens and roof and patio runoff, and expressed concern about freezing on the patio. Mr. Rowley recommended another process to allow overflow to the parking area. Mr. Fudala shared with Mr. Rowley a drywell that had been added to the most recent plan revision for that purpose. Paving will be topped with new mix.

There was no public comment.

Mr. Fudala read the draft Special Permit Decision which would require updating due to the traffic study information and other details. Mr. Kirrane felt that the traffic study was not critical to the Decision. Among recommendations, it was confirmed that the "No Take" was received but that it was needed by Mr. Fudala, reference needed to be added regarding the traffic study, wording for the new LED lights would be added, Chairman Waygan recommended striking the use of beach parking as an alternative, Mr. Kirrane requested the option to move inside seating to outside during good weather, removing the reference to outdoor seating, no more than 46 seats

and revised plan submitted June 15 regarding Mr. Rowley's recommendations for the parking backing areas at the end of each parking lot.

MOTION: Mr. Balzarini made a motion to close the public hearing. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to accept the Special Permit Decision for Naukaboot Beer Company, LLC Microbrewery Group at 13 Lake Avenue, dated today as amended by Tom Fudala. Mr. Kooharian seconded the motion. All voted unanimously.

BOARD ITEMS

Old Business

Southport Tree Report-The Chair announced that Mr. Rowley had conducted a review of the trees in question at Southport on behalf of the Board. Two additional trees were identified for removal at 33 Greyhawk, which was completely dead, and a tree at 8 Chadwick which would not survive due to competition. Removal of both trees has been recommended.

MOTION: Mr. Balzarini made a motion to allow Southport to cut down the two trees mentioned by Charles Rowley. Mr. Kooharian seconded the motion. All voted unanimously.

There was discussion about modernizing the tree removal process with Southport. Mr. Fudala indicated that a process was needed since the project was almost complete. It was recommended that Southport be invited to attend the next meeting in order to develop a new process with their Landscape Committee. Mr. Rowley recommended turning it over to the Landscape Committee.

Report on Status of Greenway Project-The Chair reported that she had a call and email in to the Town Manager regarding a kick off meeting to plan for design and engineering for the project. Mr. Rowley will assist with the specification of work bid. Mr. Fudala recommended that the Conservation Commission be included in the planning process.

Community Preservation Committee-The Chair announced that the next meeting would be June 28 at 7 p.m to review applications for the October Town Meeting

Historic District Commission-No update

MMR Military Civilian Community Council-Update of MMR Joint Land Use Study-No update

Status of construction schedule for BCDM / Ockway Highlands road work-Mr. Rowley reported that he had been in contact with Matt Haney and learned that, due to the price of asphalt he wished to continue with the full construction of Blue Castle Drive. No documentation has been received regarding scheduling or procedure of how it would be done. Mr. Fudala and Mr. Rowley had been in contact with a resident concerned about stumps but assured him that the site should remain undisturbed until the schedule was in place. Mr. Rowley has requested documentation about the schedule. Mr. Balzarini recommended setting a deadline of September but Mr. Fudala stated that the Board had already made a decision that the Permit was valid. Mr. Balzarini proposed a letter to the developer and the Chair offered to draft the letter. Mr. Weeden inquired whether there were special conditions placed on the extension of the permit but Mr. Fudala clarified that the Board had determined that the permit had not expired.

(3-)
Mr. Fudala stated that the affordable housing lot needed to be transferred to an affordable housing entity in less than a year in order not to lose the extra lot.

Environmental Oversight Committee-There was no quorum to hold the meeting

Design Review Committee-Mr. Cummings reported that Mr. Ferronti had presented a request seeking a temporary structure for a retail clothing location to be in place on the grass June-August 2 or September 15 depending upon its success.

Status of parking facilities at 168 Industrial Drive-No update

New Business

Northbridge at Mashpee, discussion of process for signature of Special Permit-

Mr. Fudala asked that the Board sign the Plan after the Appeal period runs, requesting that the Chair sign the plan tonight and other members return to Town Hall to sign. Mr. Cummings stated that he reviewed the plan again and the trees in the buffer had not been changed from white pines. Mr. Rowley reviewed the plans and confirmed that they had been adjusted from the juniper and arborvitae discussed, symbols have been changed on the plan. The appeal period would expire June 22. Tom Ferronti offered to deliver the plans to Planning Board members to be signed, stating that the plans should have been presented properly. The Special Permit Decision was signed by the Chair and Mr. Weeden, along with the top sheets.

Charles Rowley June Invoice-An invoice was received for regular Planning Board services in the amount of \$1,150 up to and including tonight's meeting. Additionally, another June voucher needed to be signed in order to pay Mr. Rowley prior to the end of the fiscal year. Mr. Rowley indicated that it would likely only be inspections, and possibly Southport services. The Chair recommended an upward limit of \$1,000. A Southport engineering expense was also submitted in the amount of \$142.50.

MOTION: Mr. Balzarini made a motion to approve the invoice for Charles Rowley for the month of June. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to approve the payment of the bill of \$142.50 for Southport. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Kooharian made a motion to sign the voucher for Planning Board expenses for the remainder of the month, with an upper limit of \$1,000. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to approve expenses for Southport for the rest of June. Mr. Kooharian seconded the motion. All voted unanimously.

Vouchers were signed by Planning Board members.

Discussion of possible October zoning articles-Mr. Fudala indicated that the first article regarding buffers was a response to concerns expressed by Selectman O'Hara and the EDIC about issues for commercial businesses. Mr. Fudala described areas that would or would not be impacted. There was Planning Board support for the Article. The second article was regarding

reducing setbacks in the R-5 (2-acre) zoning district to those required in the R-3 district. The Chair felt that she needed a map to make the decision.

MOTION: Mr. Balzarini made a motion to submit the two Articles to the Selectmen for placement on the October Town Meeting Warrant. Mr. Cummings seconded the motion. All voted unanimously.

CORRESPONDENCE

- January 2016 Discharge Monitoring Report for South Cape Market Place N=4.8
- February 2016 Discharge Monitoring Report for South Cape Market Place N=6.1
- March 2016 Discharge Monitoring Report for South Cape Market Place N=3.3
- April 2016 Discharge Monitoring Report for South Cape Market Place N=5
- Email from Ernest Virgilio re: Ockway Highlands work schedule-Mr. Virgilio was in attendance but had no public comment

WATERWAYS LICENSES

None this time

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Charles Rowley 6/14/16 Letter Regarding Cotuit Solar Security Request
- BSC 6/10/16 Letter Regarding The Cottages at New Seabury
- Bob Woodridge 6/15/16 Email Regarding Accessibility at New Seabury
- Charles Rowley 6/15/16 Letter Regarding The Cottages at New Seabury
- Site Development Plans for Naukabout Beer Company
- Building Plans for Naukabout Beer Company
- Charles Rowley 6/15/16 Letter Regarding Naukabout Beer Company
- Special Permit Decision Draft for Naukabout Beer Company
- Charles Rowley 6/15/16 Letter Regarding Northbridge Assisted Living Site Plan Review
- Articles for October Town Meeting